

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY MURRAY,)	
)	
Plaintiff,)	ECase No. 1:02-cv-438
)	
v.)	Honorable Richard A. Enslen
)	
WILLIAM REED et al.,)	
)	
Defendants.)	
)	

ORDER

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. In his pro se complaint, Plaintiff sued several members of the Michigan Parole Board concerning the denial of his parole. On July 10, 2002, this Court entered an opinion and judgment dismissing Plaintiff's action for failure to state a claim. Plaintiff has now filed a motion for reconsideration (docket #14), which the Court construes as a motion for relief from judgment brought pursuant to FED. R. CIV. P. 60(b).¹

A Rule 60(b) motion may be granted only for certain specified reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud, misrepresentation, or the like; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. When none of these first five

¹Plaintiff's motion for reconsideration was filed more than ten days after entry of judgment, and, thus, cannot be properly filed as a motion to alter or amend judgment under FED. R. CIV. P. 59(e).

enumerated examples of Rule 60(b) apply, relief may only be available when exceptional or extraordinary circumstances are present. Cincinnati Insurance Co. v. Byers, 151 F.3d 574, 578 (6th Cir. 1998).

Plaintiff does not appear to bring his motion for any of the reasons specified above; rather, Plaintiff merely reiterates the allegations set forth in his complaint. Having reviewed the opinion and judgment issued in this case, the Court finds that Plaintiff's action was properly dismissed for failure to state a claim. Therefore:

IT IS ORDERED that Plaintiff's motion for relief from judgment (docket #14) is DENIED.

APPROVED FOR E-FILING:

DATED in Kalamazoo, MI:
October 18, 2002

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
United States District Judge